



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

Pat Quinn, Governor
Marc Miller, Director

August 7, 2012

Ms. Monica Hawk
McHenry County Dept of Planning and Development
McHenry County Government Center
2200 Seminary Avenue
Woodstock, IL 60098

RE: **Enbridge Pipelines (Line 6A MP 370.5735) Excavation and Routine Maintenance
Dig – Burton's Ridge
Endangered Species Consultation Program
Natural Heritage Database Review # 1214778
County: McHenry**

Dear Ms. Hawk:

This letter concerns the Endangered Species Consultation for this project located in Sections 13 & 24, Township 44 North, Range 8 East and Sections 18 & 19, Township 44 North, Range 9 East submitted by Barr Engineering Company for consultation in accordance with the *Illinois Endangered Species Protection Act* [520 ILCS 10/11], the *Illinois Natural Areas Preservation Act* [525 ILCS 30/17], and Title 17 *Illinois Administrative Code* Part 1075.

The proposed action involves a temporary excavation to inspect and make necessary repairs on a segment of the pipeline that is adjacent to wetlands. This project is in the vicinity of protected resources, including the **Cotton Creek Marsh Illinois Natural Area Inventory (INAI) Site and Nature Preserve**, the **Stickney Run Conservation Area INAI Site**, and **Thunderbird Lake INAI Site**. State-listed endangered **Blanding's Turtles**, *Emydoidea blandingii*; **Yellow-Headed Blackbirds**, *Xanthocephalus xanthocephalus*; **Common Moorhens**, *Gallinula chloropus*; and **Black Terns**, *Chlidonias niger*, are in the vicinity as well as the State-listed threatened **Least Bittern**, *Ixobrychus exilis*; and **Starhead Topminnow**, *Fundulus dispar*

The Department has completed its review of the project and determined that the action may have an adverse impact on Blanding's Turtles that may inhabit surrounding uplands and wetland complexes in the area. To minimize these impacts, the Department recommends that the following measures be implemented by Enbridge and incorporated into the County's project authorization.

Blanding's Turtles

The Department is concerned with the effect that trenching, excavating, vehicles and machinery could have on individual turtles within the vicinity of the work zone and wetlands. Since the Department has records to the northwest, north and southeast of the pipeline, turtles could traverse the area as they travel between wetland and upland areas.

Recommendation 1. The Department recommends that construction crews, and all on-site personnel, be educated and informed about Blanding's Turtles before work begins. Photos of both adult and juvenile Blanding's turtles should be distributed and the site management plan for responding to potential encounters should be discussed in a training session and at a preconstruction site meeting. The Department has already provided suggestions to Barr Engineering for updating their Blanding's Turtle Fact Sheet; this information could be used during training.

Recommendation 2. If a turtle is encountered on site, personnel should be instructed to immediately stop work in the surrounding area and contact the Department's Heritage Biologist (Brad Semel, 815/675-2386 x 317) and the McHenry County Conservation District (Sara Denham, 815/728-8307) *keeping in mind it is a criminal act to handle a listed species*. Personnel on site should watch the turtle until the proper authority arrives to alleviate the situation, keeping at a respectable distance. If the turtle moves, crews should mark the spot they first saw the turtle and the last spot it was seen.

If a Blanding's Turtle is encountered, Incidental Take Authorization from the Department's Office of Resource Conservation will most likely be recommended, which would result in a Conservation Management Plan for the species for this project.

Recommendation 3. The project area may contain the route to a nesting site. Therefore, potential harm to transiting turtles is a concern. The Department recommends limiting work to between October 31 and mid-March, when this species is likely hibernating, to prevent construction activities from crushing or injuring juvenile or adult turtles.

Recommendation 4. If construction cannot be limited to the recommended time frame, exclusionary fencing should be installed and in place, from the beginning of March and remain until the end of October, to prevent turtles from entering the construction areas. Daily inspections of both sides of the fence should occur for the first two weeks and then be maintained weekly throughout the work period to ensure the exclusionary fencing has been properly installed (dug into the ground) and to check if any turtles are present on either side of the fence.

Recommendation 5. The Department recommends that any trenches or excavations dug as a result of this project be covered at the end of each work day. Before starting each work day, trenches and excavations should be routinely inspected to ensure no turtles (or other animals) have become trapped within them.

Consultation on the part of the Department is terminated. In accordance with 17 Ill. Adm. Code 1075.40(h), the County must notify the Department of its decision regarding these recommendations, whether they will:


- Allow the action to proceed as originally proposed;
- Require the action to be modified per Department recommendations (please specify which measures if not all will be required); or
- Forgo the action.

This consultation is valid for two years unless new information becomes available that was not previously considered the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Sincerely,



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cc: Brad Semel, IDNR/Region II/Natural Heritage
Dennis Sandquist, McHenry County Dept of Planning & Development
Elizabeth Kessler, McHenry County Conservation District
Sara Denham, McHenry County Conservation District
Mandy Bohnenblust, Barr Engineering
Cindy Skrukud, McHenry County Defenders/1075.70
Lisa Haderlein, Land Conservancy of McHenry County/1075.70